

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

United States of America,	:	CR. NO.: <u>8:18-cr-00412</u>
	:	
	:	
-vs-	:	
	:	SENTENCING MEMORANDUM
Catherine Prosser	:	
Defendant.	:	

Ms. Prosser is 62 years old and is a widow living by herself in Lincolnton, Georgia. She has lived Lincolnton, Georgia since 2011 when she inherited the property after the death of her parents. She has two grown children and has no dependents residing with her. Ms. Prosser is 5'8 inches tall and weighs 178 pounds. She is in poor physical health having sustained several injuries in a car accident in 2015, including a broken left arm and plates in her left cheek and right knee. She receives Social Security Disability as a result of the accident and surgery and has several prescribed medications. Some of the medications she is prescribed are to treat anxiety and depression. She possesses a high school diploma having graduated from East Side High School in Newark, New Jersey in 1975.

Ms. Prosser has been routinely employed since 1983. She was last employed with McCormick Correctional Institute in McCormick, South Carolina as a correctional officer. These charges for which she has plead guilty arise out of that employment. Ms. Prosser was initially charged by the State of South Carolina with possession with intent to distribute marijuana and misconduct in office. The charge to which she has entered a guilty plea in District Court is the same charge and incident that she plead guilty to in State Court. She entered a guilty plea in the

United States District Court to possession with intent to distribute marijuana. Under the Statutory provisions for this offense Ms. Prosser is eligible to receive not less than 1 year nor more than 5 years of probation because the offense is a class D felony. One of the following must be imposed as a condition of probation unless extraordinary circumstances exists: a fine, restitution, or community service. The advisory sentencing guideline places her at an offense level 6 and a criminal history category of 1 which places her in an imprisonment range of 0-6 months. The applicable guideline range is in zone A of the sentencing table so a sentence of imprisonment is not required.

Ms. Prosser respectfully shows unto the Court that she cooperated with the Department of Corrections when these allegations came to light and as a result of the investigation Ms. Prosser entered a guilty plea on September 15, 2016 to the offense of possession with intent to distribute marijuana first offense and misconduct in office. She received a sentence of 5 years suspended upon the service of 60 days weekend time and 36 months probation with 6 months house arrest. She was given credit for time served of 2 days. The probationary sentence began on September 15, 2016 and on November 17, 2016 the condition of weekend time was deleted due to Ms. Prosser's medical issues and the home detention was extended to a total of 8 months supervised by the probation office. Her case was successfully closed on September 18, 2017.

Ms. Prosser is a suitable candidate for a time served sentence. She was convicted in the Court of General Sessions in McCormick, South Carolina for the very same offense for which she has entered a guilty plea in Federal Court. She served an active jail sentence as a result of that guilty plea and has served 8 months of home incarceration and probation. She was incarcerated 8 days in Federal custody prior to being released on bond. She does not have means

to pay a fine and has already served a sufficient amount of time to satisfy a sentence in the United States District Court. She has not been in any trouble whatsoever since her conviction in the Court of General Sessions and has rehabilitated herself since said conviction. The Court is reminded prior to that conviction Ms. Prosser did not have any prior criminal record. This is an anomaly in her long history as a law abiding citizen. Her history speaks for itself. The Court should note that she worked for 27 years as an administrative specialist for the Attorney General's Office for the State of New Jersey. She is a law abiding citizen and made a terrible mistake when she became involved with a scheme at the McCormick Correctional Institution.

Ms. Prosser, through the undersign Attorney, respectfully requests this Court to sentence her to a time served sentence.

Respectfully submitted,

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January 31, 2020

Greenville, South Carolina